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<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/536,724	MICALI, LUCIANO
	Examiner Erica E. Cadogan	Art Unit 3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to dkt 2541-1037 filed 5/27/2005.
2.  The allowed claim(s) is/are 1-8.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 5/27/2005
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Roland Long on July 31, 2006.

The application has been amended as follows:

In the specification on page 5, line 1, "6c" has been deleted.

In the specification on page 5, line 4, "6c" has been deleted.

Claim 6 (Currently Amended). The tool of claim [1] 2, wherein the through-hole (3) is circular in section and the dead points of the alternating motion of the blade (6) are diametrically opposite with respect to the through-hole (3).

Claim 7 (Currently Amended). The tool of claim 2, wherein the blade (6) is associated to a support [(6c)] which is slidable on the rear surface (2b) of the support (2), by means of two arms connected at ends thereof, the arms being of a length and being arranged at a reciprocal distance from one another such that the support [(6c)] does not interfere with the through-hole (3).

2. The following is an examiner's statement of reasons for allowance:

U.S. Pat. No.'s 4,710,078 to Altmeyer et al. and 3,395,614 to Dodson are examples of bead or burr trimming devices having a cutting element at the entrance of a through-hole,

wherein the shaving produced during the cutting operation is directed through the through-hole (see Figure 6 of Altmeyer and Figure 8 of Dodson, for example).

However, neither Altmeyer nor Dodson teach that the through-hole bears, “in proximity of an exit edge thereof, means for chopping the shaving, predisposed to fragment the shaving coming from the through-hole” as set forth in independent claim 1.

Also, there is no combinable teaching in the prior art of record that would reasonably and absent impermissible hindsight motivate one having ordinary skill in the art to so modify the teachings of either of Altmeyer or Dodson, and thus, for at least the foregoing reasoning, neither Altmeyer nor Dodson render obvious the present invention as set forth in independent claim 1.

Additionally, JP-62-236647 (‘647) teaches a device including a “support” having a through-hole which bears, on an “entrance edge” thereof a “cutting element” 5 (see Figure 2) that is arranged and conformed to remove a shaving from a workpiece W. Note that there is nothing preventing ‘647’s device from being used to remove an external weld bead from the workpiece W. Additionally, ‘647 teaches that, around the periphery of the cutting element 5 (see Figures 2 and 3), there are a plurality of chip breakers 6, each including a cutter 10 (see Figures 2, 3, abstract), which chip breakers are used to cut up shavings produced by the cutting element 5.

However, firstly, it is noted that the cutting element 5 that is arranged at a first or “entrance” edge of the through hole of the support is not “arranged and conformed” to “direct a resulting shaving through the through-hole”, noting that the workpiece W extends through the through-hole of the support (the support which supports the cutting element 5), thus preventing the shaving from being directed through the through-hole (see Figures 2-3). Secondly, it is noted that, even assuming arguendo that the chip breakers 6 are considered a “means for chopping”,

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the chip breakers are not borne at the through-hole “in proximity of an exit edge thereof”, noting that the left side of the support shown in Figure 2 is the edge of the through-hole that supports the “cutting element” 5. Claim 1 sets forth that the cutting element is at an “entrance edge” of the through hole and that the means for chopping is at an “exit edge” thereof. Both the cutting element 5 and the chip breakers 6 are located at the left side of the support as viewed in Figure 2. The left side of the support as shown in Figure 1 is not both an “entrance edge” and an “exit edge”, and thus at least one of the cutting element 5 and the chip breakers 6 are not located as claimed. Furthermore, the chip breakers 6 are not “predisposed to fragment the shaving coming from the through-hole”, again noting that the shaving doesn’t come “from the through-hole”, since the presence of the workpiece W would block such movement of the shaving.

Thus, for at least the foregoing reasoning, ‘647 doesn’t anticipate the present invention as set forth in independent claim 1.

Also, there is no combinable teaching in the prior art of record that would reasonably and absent impermissible hindsight motivate one having ordinary skill in the art to so modify the teachings of ‘647, and thus, for at least this reasoning, ‘647 does not render obvious the present invention as set forth in independent claim 1.

The aforescribed prior art of record being representative of the closest prior art of record to the present invention as set forth in the claims, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

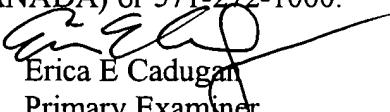
***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erica E Cadugan  
Primary Examiner  
Art Unit 3722

ee<sup>c</sup>

August 1, 2006